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December 16, 2011

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Applications of AT&T Mobility Spectrum LLC and Qualcomm  
Incorporated for Consent to the Assignment of Licenses,*  
WT Docket No. 11-18  
**NOTICE OF EX PARTE PRESENTATION**

Dear Ms. Dortch,

On Thursday, December 15, 2011, I had a conversation with Rick Kaplan, Wireless Bureau Chief, and Renata Hesse, Senior Counsel to the Chairman, regarding the aforementioned transaction. I expressed AT&T's continued commitment to and support of the transaction and AT&T's desire to obtain approval of the transaction as expeditiously as possible. I explained that AT&T plans to deploy the Qualcomm Spectrum as supplemental downlink, using carrier aggregation technology which will be enabled after the LTE Advanced standards are released. Supplemental downlink technology will allow AT&T to add downlink capacity to its LTE network by combining Qualcomm's unpaired 700 MHz spectrum with AT&T's paired spectrum to improve the downlink experience for its LTE customers. Supplemental downlink technology permits the bonding of non-contiguous spectrum, including unpaired spectrum, into a single wider channel.

With respect to the interference and interoperability issues raised by other participants in this proceeding, I noted that Commission action is necessary to address the Channel 51 and remaining Lower E block interference challenges before we could properly assess our ability to utilize the Band 12 chipset. We anticipate that absent the remediation of those interference issues, we would incur ongoing significant expense associated with trying to mitigate holes in our network that would be caused by interference challenges.

I further noted that, because the interoperability issue is absolutely unrelated to this transaction and raises an issue of industry wide concern, it is inappropriate for the Commission to address the issue in this assignment proceeding. These issues should be

addressed in the Commission's pending interoperability proceeding. I did, however, express that I had agreed with Commissioner Clyburn's office to continue to examine options in this area within AT&T.

I also discussed AT&T's objections to the reduction to the spectrum screen outlined in footnote 137 in the Staff Analysis and Findings recently released in Docket No. 11-65 that is apparently included in the draft Order on circulation.<sup>1</sup> I argued that there was no record for making that reduction in this proceeding and that it is the first time in Commission history that there is a proposed downward adjustment to the screen.

I indicated that AT&T was particularly concerned about this downward adjustment to the screen because the draft order apparently does not make any upward adjustments, notwithstanding that the Commission has expressly recognized that there are significant amounts of spectrum that are being used or could be used for the provision of mobile voice and broadband services but which are not today included in the screen.<sup>2</sup> Reducing the screen, while ignoring long overdue increases that have been recognized to be warranted, is not reasonable and raises questions about process. Therefore, if the Commission is to adjust the spectrum screen in this proceeding, it should include not just reductions, but increases. To that end, the Commission should include all 194 MHz of BRS/EBS spectrum, not just the 55.5 MHz it currently considers, as the transition to the revised band plan is essentially complete and the Commission has acknowledged that this spectrum is already being used to provide mobile broadband service.<sup>3</sup> In addition, the Commission should include the PCS G block in which Sprint has announced it will launch LTE service in 2012, as well as MSS spectrum.

Going forward, and in light of our concerns about process and the central role the spectrum screen now plays in the Commission's competitive analysis of transactions, the Commission should make adjustments to its screen in an open rulemaking, conducted and concluded annually, allowing party participants to file comments on what is appropriate for inclusion in the screen, and subjecting the Commission's decisions on the screen to judicial review. The Commission should complete the first such proceeding expeditiously. I urged the Commission to remove the spectrum screen adjustment from this Order, open a notice and comment rulemaking to consider potential changes to the spectrum screen which would be conducted annually, and approve this transaction expeditiously.

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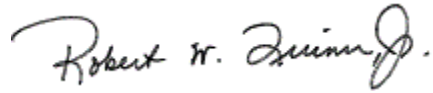
<sup>1</sup> *In re Applications of AT&T Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations*, Staff Analysis and Findings, at 23 n.137, WT Docket No. 11-65 (rel. Nov. 29, 2011).

<sup>2</sup> Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, *Fifteenth Report*, 26 FCC Rcd 9664 (2011) at ¶ 276 at Table 26.

<sup>3</sup> *Id.* at ¶ 273.

In accordance with Commission rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Quinn, Jr." with a stylized flourish at the end.

Robert W. Quinn, Jr.

cc: Rick Kaplan, Esq.  
Renata Hesse, Esq.  
Best Copy and Printing, Inc.  
Kathy Harris, Esq.  
Ms. Kate Matraves  
Jim Bird, Esq.